

Before the

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FEDERAL COMMUNICATIONS COMMISSION

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Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Petition For Clarification)
Department of Education, State of Tennessee.)
)
Federal-State Joint Board on Universal Service) CC Docket No. 96-45
)
Changes in the Board of Directors of the National) CC Docket No. 97-21
Exchange Carrier Association, Inc.)
)

TO: THE COMMISSION

WITHDRAWAL
OF
PETITION FOR CLARIFICATION AND EMERGENCY RELIEF
BY
DEPARTMENT OF EDUCATION, STATE OF TENNESSEE

The Department of Education for the State of Tennessee (hereinafter the "State" or "Tennessee") herein requests that the Federal Communications Commission (hereinafter the "Commission" or the "FCC") permit it to withdraw its 'Petition for Clarification and Emergency Relief,' filed on January 31, 2005 (hereinafter the "Petition" or the "Tennessee Petition") in the above-captioned Dockets (See, In the Matter of Request for Immediate Relief filed by the State of Tennessee, Order, FCC 03-161 (rel. July 2, 2003)). In support of this request (hereinafter the "Withdrawal Petition" or the "Tennessee Withdrawal"), the State submits as follows:

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The State is, and has been since the program's inception, an Applicant for funding in the FCC's federal support mechanism for schools and libraries (hereinafter the "E-Rate Program" or the "Program"). The E-Rate Program has been a vital and critical source of funding for the State's rural and inner-city K-12 schools, and has been an integral part of the State's commitment to meet the President's "No Child Left Behind" Initiatives. The Program serves 900,000 students, 1,900 schools, and 100,000 educators. Without the Program, and without the continuation of its funding, Internet Access Services to the State's schools would be drastically reduced, impaired or interrupted. This would have an immediate and devastating impact on the State's students, educators, educational network, and teaching abilities. Students have a very limited time in K-12 schools, and in each grade, and learning time lost cannot be "made up later." Thus, there are no other alternatives available to prompt and immediate funding and to the availability of Internet Access Services. E-Rate funding is absolutely critical. The E-Rate Program is absolutely critical.

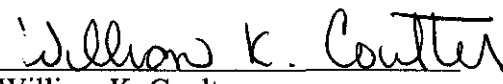
In order to prevent the catastrophic loss of E-Rate funding to Tennessee's 900,000 K-12 students, Tennessee filed the Petition, seeking a clarification of the Commission's July 2, 2003 Order (hereinafter the "Tennessee Order"). The Petition asked for an emergency clarification of the permitted "practices and procedures" of the Universal Services Administrative Company (hereinafter "USAC").

In that Petition, Tennessee also indicated (at Petition, Section III, paragraph 2) that it continued to believe that the needed funding could be released by USAC, with the support of the Commission's Bureaus, under the established "Principles for Treating Entities Under Investigation Relating to their Participation in the Schools and Libraries Universal Support Mechanism" (hereinafter the "Principles") (www.universalservice.org/reference/investigations.asp) without a need for Commission action on the Petition.

The State is pleased to be able to report that USAC has begun to release E-Rate funding again for the State's schools in its normal course, under the "Principles." Thus, the relief requested in the Petition is no longer required.

Accordingly, the State hereby requests permission to withdraw its Petition.

Respectfully Submitted,
State of Tennessee Department of Education.


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June 6, 2005

CERTIFICATE OF SERVICE

I, Christine L. Zepka, hereby certify that on this 6th day of June, 2005, a true and correct copy of the foregoing "Withdrawal of Petition For Clarification And Emergency Relief" was sent via hand delivery to the following parties:

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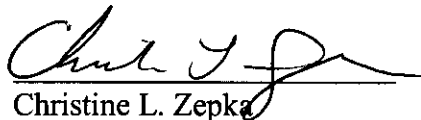
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